

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**UNITED STATES OF AMERICA**

***ex rel.* DEIDRE GENTRY,**

**Plaintiff/Relator,**

v.

**ENCOMPASS HEALTH**

**REHABILITATION,**

**Defendant.**

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**CIVIL ACTION NO. 4:23-cv-01291**

**FILED UNDER SEAL**

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**THE UNITED STATES' NOTICE OF  
ELECTION TO DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in these actions. By declining to intervene in these cases, the United States is not waiving or otherwise affecting the rights or ability of the United States or any other person to contend that provisions in the False Claims Act, including 31 U.S.C. §§ 3730(b)(5), 3730(d)(3), and 3730(e), bar the relator or any other person from proceeding with these actions.

Although the United States declines to intervene, it respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows a relator to maintain a *qui tam* action in the name of the United States; provided, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States requests that, should either the relator or the defendant propose that these actions be dismissed, settled, or otherwise discontinued,

this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in these actions be served upon the United States; the United States also requests that orders issued by the Court be sent to the United States' counsel. The United States reserves its right to order any deposition transcripts; to intervene in these actions, for good cause, at a later date; and to seek the dismissal of the relator's actions or claims. The United States also requests that it be served with all notices of appeal.

Finally, the United States requests the Court unseal this Notice, the attached proposed Order, and relator's Corrected Original Complaint filed on September 25, 2023. The United States requests that the Original Complaint filed April 6, 2023 (SEALED Document 1) remain under seal. The Original Complaint was filed with the name of a defendant not party to this litigation but a party in a separate filed sealed case. Lifting the seal on the Original Complaint would disclose the defendant in that sealed matter. Additionally, the United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order is attached for the Court's convenience.

Respectfully submitted,

ALAMDAR S. HAMDANI  
UNITED STATES ATTORNEY

*/s/ Jill O. Venezia*  
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Counsel for the United States

**CERTIFICATE OF WORD COUNT**

I hereby certify that the foregoing contains 430 words, excluding the parts of the document that are exempted. This certificate was prepared in reliance on the word-count function of the word processing system (Microsoft Word) used to prepare the document.

*/s/ Jill O. Venezia*  
Jill O. Venezia  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing United States' Notice of Election to Decline Intervention and accompanying Proposed Order were served by first class mail, postage prepaid, on this, the 26<sup>th</sup> day of September 2023, to:

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